

DISTRICT JUDGE TANA LIN  
MAGISTRATE JUDGE THERESA L. FRICKE

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

SAY SULIN KEODARA,

Plaintiff,

v.

JERI BOE and ROBERT HERZOG,

Defendants.

NO. 3:21-CV-05129-TL-TLF

MOTION TO SEAL

**NOTE ON MOTION CALENDAR:**  
March 4, 2022

Defendants respectfully submit their Motion to Seal Exhibit 12 to the Declaration of Jeri Boe and Exhibit 1 to the Declaration of Conrad Artis. Dkt. 26 and 27.

**I. MOTION**

On February 4, 2022, Defendants filed a Motion for Summary Judgment. Dkt. 25. Prior to filing, defense counsel consulted with the Department of Corrections (Department) as to whether any redactions were needed or if any documents should be filed under seal. Declaration of Sarah Brisbin in Support of Defendants' Motion to Seal (Brisbin Decl.) ¶ 3. At the time, the Department did not believe any redactions or sealing were necessary. *Id.*

However, the Department has received credible information showing that Keodara is using the information in the Defendants' Motion for Summary Judgment, attached declarations, and exhibits, to conduct criminal activity, including causing harm to other incarcerated individuals. *Id.* ¶ 4. The Department is conducting an investigation and unable to provide more

1 information at this time. *Id.* ¶ 5. The Defendants now request that the Court seal Exhibit 12 to  
 2 the Declaration of Jeri Boe and Exhibit 1 to the Declaration of Conrad Artis. Dkt. 26 and 27.

3 Fed. R. Civ. P. 5.2 allows the court to permit a party to file a document under seal.  
 4 “Historically, courts have recognized a general right to inspect and copy public records and  
 5 documents, including judicial records and [filings].” *Kamakana v. City & Cty. of Honolulu*,  
 6 447 F.3d 1172, 1178 (9th Cir. 2006) (internal quotation omitted). But the right of public access  
 7 is not absolute. *Id.* For documents attached to dispositive motions, “[a] party seeking to seal [such  
 8 documents] . . . bears the burden of overcoming [a strong presumption of public access]  
 9 by . . . articulat[ing] compelling reasons supported by specific factual findings . . . that outweigh  
 10 the general history of access and the public policies favoring disclosure. . . .”  
 11 *Kamakana*, 447 F.3d at 1178–79 (internal citations and quotations omitted).

12 Here, the Defendants are requesting the Court seal two exhibits only. The Department  
 13 has credible information showing that Keodara has used the information contained within these  
 14 exhibits to further his criminal activity, including attempts to injure other incarcerated  
 15 individuals. These exhibits should be sealed to protect the safety of other incarcerated  
 16 individuals, as well as the security of Clallam Bay Corrections Center. Keodara has had these  
 17 documents for approximately two weeks, mitigating any prejudice.

18 Therefore, the Defendants request that the Court seal Exhibit 12 to the Declaration of Jeri  
 19 Boe and Exhibit 1 to the Declaration of Conrad Artis. Dkt. 26 and 27.

20 RESPECTFULLY SUBMITTED this 17th day of February 2022.

21 ROBERT W. FERGUSON  
 22 Attorney General

23 s/ Sarah Brisbin  
 24 SARAH BRISBIN, WSBA #46540  
 25 Assistant Attorney General  
 26 Corrections Division  
 Sarah.Brisbin@atg.wa.gov